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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,342	04/20/2001	Joseph I. Kravitz	E14.2-9321	1879

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EXAMINER

CARRILLO, BIBI SHARIDAN

ART UNIT PAPER NUMBER

1746

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,342

Applicant(s)

KRAVITZ ET AL.

Examiner

Sharidan Carrillo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Restrictions

1. Newly submitted claims 1-20, 28-29, and 30-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, 28-29, and 30-31, drawn to a method of cleaning equipment which is in an assembled state, classified in class 134, subclass 22.1.
- II. Claims 21-27, drawn to a method of cleaning a hard surface, classified in class 134, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions. For example, cleaning of equipment in an assembled state is different from cleaning of a hard surface which can include for example the cleaning of floors. Additionally the cleaning of equipment in an assembled state requires the cleaning of the internal surfaces of the equipment which is not required for cleaning of a hard surface.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

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prosecution on the merits. Accordingly, claims 1-20 and 28-31 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-23, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramachandran et al. (4469605).

Ramachandran et al. teach a method for cleaning laundry using a heavy duty liquid detergent which can be used for pre-treating of badly soiled portions of items to be laundered. In reference to claim 22, Ramachandran et al. teach a composition having a builder salt comprising neutralized tripolyphosphate (col. 2, lines 39-55), for pre-treating laundry prior to washing (col. 8-9 bridging). In reference to claim 25, refer to col. 5, lines 50-55. In reference to claims 21 and 23, the limitations are inherently met since Ramachandran teaches pre-treating laundry prior to washing in a washing machine. The steps are inherently met since a washing cycle would include a main wash followed by rinsing with water. In reference to claim 26, refer to col. 1, lines 54-60.

7. Claims 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Chun et al. (5133892).

Chun et al. teach a detergent for use in dishwashing. In reference to claims 21-23, refer to col. 7, lines 5-20, col. 9, lines 55-65. In reference to claim 24, Chun et al. teach 1000ppm of the anionic polymer (col. 8, lines 5-10). In reference to claims 25-26, refer to col. 8, lines 1-7.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al. (4469605).

Ramachandran fail to specifically teach the type of soil removed from the fabric. However, it would have been within the level of the skilled artisan to have applied the method of Ramachandran for the removal of milk products since Ramachandran et al. teach a method of removing soils from laundry and many typical soil stains on laundry result from food products such as milk, as conventionally shown in the art (U.S. Patent 3725289).

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chun et al. (5133892).

In reference to claim 27, Chun et al. fail to specifically recite the type of soil removed. However, it would have been within the level of the skilled artisan to have applied the method of Chun et al. to the removal of milk products since Chun et al. teach the removal of soils from dishware which would include milk.

Response to Arguments

12. As a result of the restriction requirement based on original presentation, all rejections directed to claims 1-20 and 28-31 are deemed moot and will not be considered.

13. The rejection of claims 21-27 under 112 second paragraph is withdrawn in view of corrections and arguments made by applicant.

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14. In reference to claim 21, applicant argues that Ramachandran et al. fail to teach a rinse step prior to the application of the detergent composition. Applicant's arguments are unpersuasive since Ramachandran et al. teach pre-treating items to be laundered prior to washing with the detergent composition. The steps of pre-treating laundered items with a composition comprising water and a partially neutralized anionic polymer followed by washing with the same composition reads on applicant's claimed invention.

15. In reference to Chun et al., Applicant argues that Chun et al. fail to teach a rinse step prior to a cleaning step. Applicant's arguments are unpersuasive since Chun et al. teach using a tablet for the pre-wash and the main wash, wherein the tablet includes the anionic polymer, the teachings of which read on applicant's claimed invention. Further, Chun et al. teach that the tablet can be formulated to combine the features of Tablet A and Tablet B such that the rinse aid is released at desired time intervals. Chun et al. further teach that the two tablets can be used for a pre-wash and a main wash.

16. In reference to claim 24, the rejection under 35 U.S.C. 103 (a), as being unpatentable over Ramachandran et al. is withdrawn in view of arguments presented by applicant.

17. The rejections of the claims as being anticipated and unpatentable over the teachings of Foley et al. are withdrawn in view of the 1.131 Declaration of Richard Ruhr showing conception and reduction to practice prior to February 13, 2001.

18. Applicant further argues that Chun et al. fail to teach hard surface cleaning. Applicant's arguments are unpersuasive since Chun et al. teach cleaning of glassware which reads on a hard surface.

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19. Applicant's arguments filed 5/28/03 have been fully considered but they are not fully persuasive for the reasons recited above.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 703-308-1876. The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 703-308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7719 for regular communications and 703-305-7719 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc
August 6, 2003

A handwritten signature in black ink, appearing to read 'S. Carrillo', written in a cursive style.

SHARIDAN CARRILLO
PRIMARY EXAMINER